

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 WASHINGTON, D. C. 20554

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In the matter of )  
 )  
 Amendment of Section 73.202(b) )  
 Table of Assignments )  
 FM Broadcast Stations )  
 (Belle Fourche, South Dakota) )

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To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Ultimate Caps, Inc. ("Ultimate") hereby respectfully submits the instant Petition for Rule Making to amend the Commission's FM Table of Allotments to assign channel 270C3 at Belle Fourche, South Dakota as that community's second FM allotment. In support whereof, the following is shown:

1. Belle Fourche, South Dakota currently has one commercial FM channel allocated to it, 240C1. A construction permit has been issued for KBFS-FM to build its facilities on that channel. No other FM channels are allocated to Belle Fourche. It is believed that, since Belle Fourche has been previously determined to qualify as a community of license for allocation purposes, no further showing is required here.

2. As shown by the attached engineering statement, channel 271C3 can be allocated to Belle Fourche in full compliance with the FCC minimum distance separation requirements (47 CFR 73.207(b)(1), Table A). The proposed community of license is not within 320 kilometers of the Mexican border, nor within 320 kilometers of the Canadian border. No foreign frequency coordination is believed necessary.

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3. Ultimate will immediately file the required FCC form 301 for authority to construct the Channel 271C3 facility upon grant of this Petition.

WHEREFORE, the foregoing considered, Ultimate respectfully requests that the Commission GRANT the instant petition, and AMEND the FM Table of Allotments as shown below.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Belle Fourche, SD	240C1	240C1, 271C3

Respectfully submitted,

Ultimate Caps, Inc.

The information contained herein is true and correct to the best of my knowledge, information, and belief, and the intent of submission is to accomplish the station upgrade as outlined in the Petition.

By:   
Karl Grimmelmann, Vice President

Ultimate Caps, Inc.  
P. O. Box 787  
Belle Fourche, SD 57717  
(605) 892-2571

January 13, 1994

**ENGINEERING EXHIBIT FOR  
ULTIMATE CAPS, INC.  
BELLE FOURCHE, SOUTH DAKOTA**

This engineering exhibit was prepared in support of a Petition for Rulemaking being filed by Ultimate Caps, Inc. ("Ultimate") to amend 47 CFR 73.202(b) as follows:

Presently, Belle Fourche, South Dakota is allocated FM channel 240C1. Ultimate proposes that channel 271C3 be allocated at Belle Fourche as that community's second FM allotment. Ultimate will file FCC form 301 for authority to construct the new station as soon as the channel is made available.

Channel 271C3 can be allocated to Belle Fourche at the community reference point in full compliance with 47 CFR 73.207. The petitioner desires a different reference point, however, as the property at this location has been determined to be available and buildable. The attached tabulation shows the required spacings.

**Reference point: 44° 37' 30"N - 104°00' 41"W**

<u>Community of License</u>	<u>Present</u>	<u>Proposed</u>
Belle Fourche, South Dakota	240C1	240C1, 271C3

It is respectfully submitted that the amendment of 47 CFR 73.202 as outlined herein is in the public interest and will result in an additional media voice in the Belle Fourche market, activation of presently unused FM broadcast spectrum capacity, and expand broadcast service to the public.

This engineering exhibit was prepared by me and is true and correct to the best of my knowledge and belief.

January 13, 1994

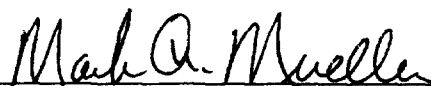
  
Mark A. Mueller

TABLE E-1

FM Channel Search for: **Belle Fourche, South Dakota**  
 Coordinates used: **44-37-30/104-00-41**

NOTE: All distances are in Kilometers. Any stations which  
 clear by more than 100 KM are not included in list.

<u>Study for channel 271-C3 (102.1 MHz )</u>				<u>-----Spacing-----</u>		
<u>CH#</u>	<u>Call</u>	<u>File</u>	<u>Location</u>	<u>Class</u>	<u>Actual FCC</u>	<u>Clearance</u>
217	( 91.3 MHz )					
	KTEQ	LIC	Rapid City	SD A	86.6 12	74.6 @ 135.4°
218	( 91.5 MHz )					
			(none within 100 KM)			
268	( 101.5 MHz )					
			(none within 100 KM)			
269	( 101.7 MHz )					
			(none within 100 KM)			
270	( 101.9 MHz )					
			(none within 100 KM)			
271	( 102.1 MHz )					
	KPNY	LIC	Alliance	NE C1	287.9 211	76.9 @ 165.2°
272	( 102.3 MHz )					
			(none within 100 KM)			
273	( 102.5 MHz )					
			(none within 100 KM)			
274	( 102.7 MHz )					
			(none within 100 KM)			

This channel can be used by a class C3 station.